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3-29-02  
5Practitioner's Docket No. 17666USA/01215**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_ Inventor(s)

for \_\_\_\_\_ Title of Invention

the specification of which is being transmitted herewith

OR

In re application of: Wendell D. Willingham et al.

Application No.: 0 9 / 960,069 Group No.: 3727 Confirmation No. 4390

Filed: September 21, 2001 Examiner:

For: CLOSURE WITH GAS-BARRIER  
LINER AND PACKAGE INCORPORATING  
SAMEAssistant Commissioner for Patents  
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**NOTE:** "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in § 1.481 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last."

37 C.F.R. § 1.87(b).

**NOTE:** "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.88(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.88(a).

**NOTE:** The "duty as described in § 1.88 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.87(b)-(d) and 1.88 before issuance of the patent." Notice of January 9, 1992, 1136 O.G. 13-28 at 17.

**WARNING:** "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.81(b).

### **List of Sections Forming Part of This Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

*(check sections forming a part of this statement; discard unused sections and number pages consecutively)*

1.  Preliminary Statements
2.  FORMS PTO/88/08A and 08B (formerly FORM PTO-1449)
3.  Statement as to Information Not Found in Patents or Publications
4.  Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5.  Cumulative Patents or Publications
6.  Copies of Listed Information Items Accompanying This Statement
7.  Concise Explanation of Non-English Language Listed Information Items
  - 7A.  EPO Search Report
  - 7B.  English Language Version of EPO Search Report
8.  Translation(s) of Non-English Language Documents
9.  Concise Explanation of English Language Listed Information Items (Optional)
10.  Identification of Person(s) Making This Information Disclosure Statement

*(complete the following, if appropriate)*

**Sections** \_\_\_\_\_, respectively, have been continued on ADDED PAGE(S).

**NOTE:** "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

(Information Disclosure Statement [6-1]—page 2 of 7)

**Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**Section 6. Copies of Listed Information Items Accompanying This Statement**

NOTE: 37 C.F.R. 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."

NOTE: The wording in § 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

**Exception(s) to above:**

- Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.
- Cumulative patents or publications identified in Section 5.

(Information Disclosure Statement—Section 6. Copies of Listed Information Items Accompanying This Statement [6-1]—page 6 of 7 )

**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this statement is

(check each applicable item)

(a)  the inventor(s) who signs below

**SIGNATURE OF INVENTOR**

(type name of inventor who is signing)

(b)  an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.58(c))

**SIGNATURE OF INVENTOR**

(type name of inventor who is signing)

(c)  the practitioner who signs below on the basis of the information:

(check each applicable item)

supplied by the inventor(s).  
 supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.58(c))  
 In the practitioner's file.

*Thomas A. Meehan*

**SIGNATURE OF PRACTITIONER**

Thomas A. Meehan

(type or print name of practitioner)

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(Information Disclosure Statement—Section 10. Identification of Person(s) Making This Information Disclosure Statement (8-1)—page 7 of 7)

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3727  
PTO/88/21 (08-0)

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# TRANSMITTAL FORM

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Application Number	09/960,069
Filing Date	September 21, 2001
First Named Inventor	Wendell D. Willingham et
Group Art Unit /Conf.	3727/4390
Examiner Name	

17666USA/01215

## ENCLOSURES (check all that apply)

- Fee Transmittal Form
- Fee Attached
- Amendment / Reply
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) \_\_\_\_\_

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Thomas A. Meehan Emch, Schaffer, Schaub & Porcello Co., L.P.A.
Signature	
Date	Nov. 1, 2001

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